

FILED 29 JAN 18 10:38 USDC ORP

Jeanette Finicum
P.O. Box 918
Colorado City, AZ 86021
Pro se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:16-cr-00051-BR

Plaintiff,

AMENDED PETITION FOR
ANCILLARY PROCEEDING TO
RECOVER PROPERTY

v.

JASON PATRICK, *et al.*,

Defendants.

1. My name is Jeanette Finicum, and I am the widow of Robert LaVoy Finicum.
2. As LaVoy's widow, and the representative of LaVoy's Estate, I was served with a copy of a Notice of Forfeiture("Notice"), filed as Document 1903 in the above-referenced action.
3. I filed a Petition for Ancillary Proceeding to Recover Property ("Original Petition") on December 5, 2017.
4. The Government's Response in Opposition ("Response") to the Original Petition was filed on December 18, 2017.
5. There was also a Declaration of Travis Welter ("Declaration") in support of the Response filed on December 18, 2017.
6. Based on the information related in the Response and Declaration, I amend my Original Petition as follows:

My Property Interest In Aldo Uberti .45 caliber rifle, model 1982, serial number T1490

7. In that Notice, filed as Document 1903 in the above-referenced action, and based on the Response and Declaration filed in this case, and based on my personal knowledge and information provided by others who are knowledgeable about the materials listed in that Notice, I hereby assert an interest in the property identified as “Aldo Uberti .45 caliber rifle, model 1982, serial number T1490.”

8. Based on the Response and Declaration filed in this case, my personal knowledge, and information shared with me from other knowledgeable people, I declare that this rifle belonged to my husband, LaVoy. I attached to the Original Petition a few photos that I recognize and understand to have been taken of LaVoy while he was holding or carrying the rifle (in its scabbard, as he usually carried it) in the January 2016 time period, while LaVoy was at the Malheur Refuge located in Harney County, Oregon. These photos and others showing LaVoy with the rifle and scabbard are also available online.

9. As the representative of Lavoy’s Estate, I request that this rifle, with its scabbard and any other accessories be returned to me.

10. I also request a hearing, unless the Court deems it unnecessary in granting my request for the rifle to be returned to me.

My Property Interest In An Additional Firearm – Rossi .38 Revolver

11. As an additional matter, I understand that the government may have in its possession another firearm that belonged to my husband, LaVoy: a Rossi .38 Revolver.

12. I have been informed by persons knowledgeable that, at the trial held in the above-

referenced matter in the September-October 2016 time period, the government marked this Rossi .38 Revolver that belonged to my husband as Government Exhibit 426. I understand that it was also identified by the government's identification number 1B913. Finally, I understand that the defendants standing trial at that time marked a potential exhibit as Defendants' Exhibit 1375, which I understand was an ATF report confirming that my husband, LaVoy, was the owner of this Rossi .38 Revolver.

13. Accordingly, as the representative of my husband's estate, I assert a property interest in that firearm, and I request that the government return it to me as well. If the Court deems it necessary, I also request a hearing regarding that matter, though I will admit that, unlike the rifle identified above, it does not appear that the Rossi .38 Revolver was listed on the Notice filed as Document 1903 in the above-referenced matter, and that I am not currently aware of any Notice of Forfeiture filed by the government regarding that firearm.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge. Executed on this 23rd day of January, 2018.

/s/ Jeanette Finicum

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2018, I made arrangements for the document titled Amended Petition for Ancillary Proceeding to Recover Property to be filed and served in the above-referenced matter by placing a copy in a first-class postage paid envelope, to be delivered via U.S. mail, to the addressee set forth below:

Assistant United States Attorney Katherine C. de Villiers
1000 SW Third Avenue, Suite 600
Portland, OR 97204

And, to be delivered to the Clerk of the Court for filing, the original Amended Petition for Ancillary Proceeding to Recover Property, mailed to the following address:

Clerk of Court
U.S. District Court, District of Oregon
1000 SW Third Avenue, Suite 740
Portland, OR 97204-2902

Finally, I arranged to have one additional copy of the Amended Petition for Ancillary Proceeding to Recover Property included with the original, and I request that the clerk of the court file-stamp that copy and return it to me, using the enclosed pre-stamped and self-addressed envelope.

/s/ Jeanette Finicum
Jeanette Finicum
P.O. Box 918
Colorado City, AZ 86021